



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable O. J. S. Ellingson
General Manager
Texas Prison System
Huntsville, Texas

Dear Mr. Ellingson:

Opinion No. 6-2679

Re: Computation of prisoner's
time who has been removed
to another state upon re-
quisition proceedings.

Your letter of August 19, 1940, requests a ruling
upon the following case:

"I enclose copy of this inmate's Certificate
of Conduct in the Texas Prison System which is
self-explanatory.

"Please note he has 6 years, 6 months and 17
days to his credit on a 7 year sentence with 4
months and 2 days lost overtime and 2 months lost
commutation time. You will also note he was re-
leased on May 10, 1936 to Oklahoma authorities by
virtue of Bench Warrant and Extradition granted
by Governor Allred. At this time Smith is serving
a life sentence in the Oklahoma State Penitentiary.

"This inmate was wanted for murder in Oklahoma
and on Oklahoma's request, he was extradited to
Oklahoma for trial, given a life sentence and sent
to the Oklahoma State Penitentiary.

"We have an opinion from the Attorney General
Department dated December 3, 1930 stating if a
prisoner is taken away from the authorities of
Texas against his own procurement and sentenced to
another institution, his time will go on in the
Texas Penitentiary as well as the other institution.

"On the strength of this opinion we have been
giving this inmate credit day for day while in Okla-
homa State Penitentiary.

Honorable O. J. S. Ellingson, page 2

"I would like to know whether this is correct, whether I have a right to restore his lost time and discharge him from this institution. And if so, whether, we owe him \$50.00 in cash and the prescribed clothing."

Your interpretation of the situation is correct. Each of the component questions embodied in the last paragraph of your answer should be answered in the affirmative.

The questions involved are concluded by our opinion No. O-1255, being Conference Opinion 3094, a copy of which we hand you herewith.

Yours very truly

APPROVED AUG 30, 1940

ATTORNEY GENERAL OF TEXAS

[Signature]
FIRST ASSISTANT
ATTORNEY GENERAL

BY

[Signature]
Ocie Spear
Assistant

OS:jm

Encl.

